

**TOWNSHIP OF LAKEWOOD**

**COUNTY OF OCEAN  
STATE OF NEW JERSEY**

**REQUEST FOR QUALIFICATIONS**

**PROFESSIONAL SERVICES – REGARDING AMENDING A  
TOWNSHIP REDEVELOPMENT PLAN AND MODIFYING  
THE RELATED REDEVELOPMENT AGREEMENT**

**SUBMISSION DEADLINE**

**12:00 P.M., Monday, December 12, 2011**

**CONTACT PERSON**

Michael Muscillo, Township Manager, at (732) 364-2500 x 5200, 231 Third Street, Lakewood, New Jersey.

**PURPOSE OF REQUEST**

This document, entitled a Request for Qualifications (RFQ), seeks guidance and recommendations regarding amending an existing redevelopment plan that was previously approved for the Cedarbridge Redevelopment Area, which area is currently subject to a redevelopment agreement with the designated redeveloper. This Request for Qualifications is for the sole purpose of qualifying an appropriate professional with experience in real estate valuation, and related redevelopment planning, agreements and analysis (as further described below), in the context of lands subject to the Local Redevelopment and Housing Law (N.J.S.A. 40:12A-1 et seq.).

This RFQ does not constitute a bid and is intended solely to obtain qualifications from which the Township of Lakewood (“the Township”) may choose a professional that best meets the Township’s needs. It is the Township’s intent that no statutory, regulatory, or common law bidding requirement apply to this RFQ. The Township intends to award contract for these services pursuant to N.J.S.A. 40A:11-5(a)(i) and Chapter 19, P.L. 2004 - N.J.S.A. 19:44A-20.5 et seq. One or more individuals/firms may be selected to provide services.

**TOWNSHIP OF LAKEWOOD  
PUBLIC NOTICE FOR REQUEST FOR QUALIFICATIONS**

**PLEASE TAKE NOTICE** that the Township of Lakewood hereby solicits responses for the below listed professional services:

**PROFESSIONAL SERVICES – REGARDING AMENDING A  
TOWNSHIP REDEVELOPMENT PLAN AND MODIFYING  
THE RELATED REDEVELOPMENT AGREEMENT**

Sealed responses must be submitted to the Township Manager no later than Monday, December 12, 2011 at or before 12:00 p.m. Responses may be submitted in person at the Municipal Building, 231 Third Avenue, Lakewood, New Jersey, or sealed responses may be mailed in advance to the attention of the Township Manager, Township of Lakewood, 231 Third Street, Lakewood, NJ, 08701.

All responses must be contained in a sealed envelope with the name and address of the party submitting the response and marked “sealed response” and the position sought.

Any persons having questions or to obtain further information should contact Michael Muscillo, Township Manager, at (732) 364-2500 x 5200, 231 Third Street, Lakewood, New Jersey.

The appropriate response documents are available on the Township’s web-site:  
<http://lakewoodnj.gov>

Responses for above-listed services are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 *et seq.*

## SUMMARY OF THE TWO-STEP RFQ/RFP PROCESS

The Township is seeking to obtain the professional services of a real estate professional with experience in real estate valuation, and related redevelopment planning, agreements and analysis, in the context of lands subject to the Local Redevelopment and Housing Law (N.J.S.A 40:12A-1 et seq.), for the purposes of providing independent guidance in connection with amending the existing redevelopment plan for the Cedarbridge Redevelopment Area and modifying the existing redevelopment agreement for the Cedarbridge Redevelopment Area. The Township has developed a two-step process designed to elicit responses that are fully responsive and responsible, and in the best interests of the citizens of the Township.

### **Step One - Request for Qualifications (RFQ)**

- Interested bidders will provide responses and documentation illustrating their ability to meet the minimum qualifications and experience as outlined. The Township will evaluate all responses and notify each respondent to confirm their eligibility to participate in the Request for Response process (Step Two) based on their ability to meet the stated requirements.
- A mandatory RFQ pre-qualification meeting will be scheduled, and all interested bidders are required to attend in order to be certified to participate in Step Two of the process. During this pre-qualification meeting the details of the proposed service and the contractor's anticipated role will be reviewed in detail.
- All interested bidders will be required to comment on the scope of services and provide feedback as to the viability of the service as proposed. The Township will evaluate all commentary and incorporate as appropriate into the final Request for Response document.

### **Step Two – Request for Response (RFP)**

Upon completion of the RFQ response evaluation process, the Township will finalize the service requirements. The Request for Response document will be provided to all qualified and interested bidders who have been certified to participate in Step Two. The successful bidder will be the organization or agency providing the most responsive and best value response, as determined in the Township's sole discretion.

## DETAILED REQUIREMENTS OF THE REQUEST FOR QUALIFICATIONS

1. **BACKGROUND** – The Township owns a 240 +/- acre tract of vacant land commonly known as the “Cedarbridge Redevelopment Area” which is subject to an existing redevelopment agreement with the designated redeveloper, and is generally bounded by the following roadways:
  - (a) New Hampshire Avenue;
  - (b) Cedarbridge Avenue;
  - (c) Vine Avenue; and

(d) Pine Street.

hereinafter designated for the purposes of this Request for Qualifications, as the “Project Area.”

The Project Area consists of vacant parcels owned by the Township and located within a municipality-designated redevelopment area and the Lakewood Urban Enterprise Zone. Adjacent to the Project Area are other lands which have also been designated for redevelopment, but since these areas have been (or are in the process of being) successfully redeveloped, they are not included in this RFQ/RFP process.

In the late 1980’s to early 1990’s, the Township designated the Project Area as being in need of redevelopment (blighted) in accordance with the then New Jersey Redevelopment Law, and adopted a redevelopment plan which was last amended in 2000. Cedarbridge Development Urban Renewal Corporation, its successors and/or assigns (“Cedarbridge”) was designated as the redeveloper of the Project Area and the Township and Cedarbridge entered into a redevelopment agreement (the “Option Agreement”) under which Cedarbridge has the right to acquire and redevelop the Project Area. Cedarbridge has performed various obligations under the option agreement; including obtaining requisite governmental approvals and constructing and installing the infrastructure improvements including utilities, roads, curbs, sidewalks and detention basins, in furtherance of its rights under the Option Agreement to develop and acquire the Project Area.

The Township and Cedarbridge believe that as a result of changes in both the national and regional economy, as well as the rapid growth of the Township’s housing needs and the concurrent evolution of smart growth principles since the execution of the Option Agreement and the adoption of the corresponding redevelopment plan, there is now an opportunity to amend said redevelopment plan in such a fashion so as to facilitate a redevelopment that would better serve the needs of the Township’s residents by: (i) incorporating a broader mix of pedestrian-friendly uses to create a residential and commercial hub for the Township, (ii) creating a variety of housing alternatives, (iii) providing for the designation of open space, (iv) providing for a balanced development which satisfies the long-term needs of the Township, and (v) will provide for a faster development timeline with a corresponding increase in tax ratables. Accordingly, the Township and Cedarbridge have, pursuant to Township Committee Resolution passed on August 20, 2009, entered into negotiations in order to amend the Option Agreement and the current redevelopment plan to permit the development of the Project Area for mixed use residential and commercial.

**2. NATURE/ SCOPE OF SERVICES** – The Township is requesting responses from qualified individuals and firms with experience real estate valuation, and related redevelopment planning, agreements and analysis, in the context of lands subject to the Local Redevelopment and Housing Law (N.J.S.A 40:12A-1 *et seq.*), in order to provide guidance in connection with amending the current redevelopment plan, and incorporating corresponding changes to the Option Agreement.

**3. STANDARD REQUIREMENTS OF TECHNICAL RESPONSE** - Responders should submit a technical response that contains the following:

A. The name of the responder, the principal place of business and, if different, the place

where the services will be provided;

B. The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;

C. The primary appraiser must be a member of the Counselors of Real Estate and the Appraisal Institute and must be a licensed real estate appraiser in the State of New Jersey;

D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other Municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Township may obtain references from any of the parties listed;

E. A description of all other areas of services of the responder, with emphasis on a description of those services of interest to a governmental client;

F. A Statement that neither the firm nor any individuals assigned to this engagement are suspended, or otherwise prohibited from professional practice by any federal, state, or local agency.

G. A statement or statements addressing each of the evaluation criteria listed below.

**4. RESPONSE EVALUATION** – The Township will select the most qualified candidate based on all of the evaluation factors set forth at the end of this RFQ. The Township will make the award(s) that is in the best interest of the Township.

Each response must satisfy the objectives and requirements detailed in this RFQ. The successful responder shall be determined by an evaluation of the total content of the response submitted. The Township reserves the right to not select any of the responses. The Township shall not be obligated to explain the results of the evaluation process to any responder.

**5. RESPONSE LIMITATIONS** – This RFQ is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Township by issuance of this RFQ. The Township reserves the right at the Township's sole discretion to refuse any response submitted.

**6. USE OF INFORMATION** -- Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the Township to the responder in connection with this RFQ shall remain the property of the Township. When in tangible form, all copies of such information shall be returned to the Township upon request. Unless such information was previously known to the responder, free of any obligation to keep it confidential, or has been or is subsequently made public by the Township or a third party, it shall be held in confidence by the responder, shall be used only for the purposes of this RFQ, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

## **7. GENERAL TERMS AND CONDITIONS –**

A. The Township reserves the right to reject any or all responses, if necessary, or to waive any informalities in the responses, and, unless otherwise specified by the responder, to accept any item, items or services in the responses should it be deemed in the best interest of the Township to do so.

B. In case of failure by the successful responder, the Township may procure the articles or services from other sources, deduct the cost of the replacement from money due to the responder under the contract and hold the responder responsible for any excess cost occasioned thereby.

C. Each response must be signed by the person authorized to do so.

D. Responses may be hand delivered or mailed consistent with the provisions of the legal notice to responders. In /the case of mailed responses, the Township assumes no responsibility for responses received after the designated date and time and will return late responses unopened. Responses will not be accepted by facsimile or e-mail.

E. In accordance with Affirmative Action Law, P.L. 1975, c.127 (N.J.A.C. 17:27) with implementation of July 10,1978, successful responders must agree to submit individual employer certifications and number or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) the contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause: (b) the contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.

F. By submission of the response, the responder certifies that the service to be furnished

will not infringe upon any valid patent, trademark or copyright and the successful responder shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Township harmless in any case of any such infringement.

G. No responder shall influence, or attempt to influence, or cause to be influenced, any Township officer, employee or spouse to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

H. No responder shall cause or influence, or attempt to cause or influence, any Township officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the responder or any other person.

I. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Township's Counsel's decision shall be final and conclusive.

J. The Township shall not be responsible for any expenditure of monies or other expenses incurred by the responder in making its response.

K. The checklist presented at the end of this Request for Qualifications is a part of this Request for Qualifications and shall be completed and submitted as part of this response.

## **8. EVALUATION FACTORS**

Each responder must demonstrate:

A. A minimum of five (5) years experience in real property valuation, land use planning, zoning and advising governmental bodies on redevelopment matters in the State of New Jersey;

B. In depth knowledge of the redevelopment process and amend redevelopment plans;

C. First-hand direct knowledge of Ocean County and Lakewood Township;

D. In depth experience structuring and implementing PILOT programs;

E. In depth knowledge of tax impact of zoning changes in connection with a redevelopment project;

E. Understanding of municipal and local issues;

F. Understanding of the unique issues and challenges facing the Township;

G. First-hand direct knowledge of the Township's housing needs;

- H. Familiar with mixed-use and smart growth development;
- I. Experience in evaluating infrastructure and its effect on development.
- J. Any other consideration(s) and/or qualification(s) which, upon determination by the Township, is/are beneficial to the Township.



## **GENERAL INFORMATION FOR APPLICANTS**

### **RECEIPT OF RESPONSE**

1. Qualifications shall be received in accordance with public advertisement as required by law, a copy of said notice attached hereto and made part of these specifications.
2. Each response shall be submitted on the response forms attached, in a sealed envelope addressed to the Township Manager bearing the name and address of the applicant on the outside, and clearly marked "REQUEST FOR QUALIFICATIONS" with the name of the item(s) and contract number being proposed.
3. It is the Applicant's responsibility to see that qualification responses are presented to the Township Manager at the time and place designated. Responses may be hand delivered or mailed; however, it is the applicant's responsibility for the delivery of the response.
4. The Applicant is required to submit six (6) copies of their response and resumé at the time of submission.

### **REJECTION OF RESPONSE**

The Township reserves the right to reject any or all responses and to waive any minor informality in any response should it be deemed in the best interest of the Township to do so. Responses shall be rejected for any of the following reasons:

1. Failure to complete the Affirmative Action Certification.
2. Failure to comply with the American Disabilities Act of 1990.
3. Failure to complete the Disclosure of Ownership Statement.
4. Failure to provide New Jersey State Business Registration Certificate.  
(including subcontractors)

Responses may be rejected for any of the following reasons:

1. Failure to complete the Affidavit of Non-Collusion.
2. Failure to properly complete the Response form.
3. Failure to complete the Checklist of Required Documents.
4. Insertion of additional conditions, provisions or stipulations

## **CONFLICTING INFORMATION OR ERRORS**

The Township reserves the right to correct any errors or omissions in said Request for Qualifications wherever such corrections are necessary for the proper fulfillment of the intentions of the plans and specifications. Should there be any conflicting information given in the plans and specifications, the Township shall be notified of same and the Township will determine the final decision.

Prior to the execution of the work, the contractor shall check the plans and specifications and immediately report to the Township all errors and omissions discovered therein. Thereafter, during the prosecution of the work, the contractor shall immediately report all further errors or omissions to the Township. Any adjustments made by the contractor without prior approval shall be had at their own risk and the settlement of any complications arising from such settlement shall be made by the contractor at their own expense.

## **COMPLIANCE WITH LAWS**

The applicant must keep himself fully informed of, and observe and comply with, all state, national and municipal laws in any manner affecting those engaged or employed in the work or the materials used in the work and of all such orders and decrees for bodies having any jurisdiction or authority over the same.

If any discrepancy is discovered in the Request for Qualifications in relation to any such law, ordinance, regulation, order or decree, the applicant notify the Township in writing. The Contractor shall protect and indemnify the Township, its officers and agents against any claim or liability arising from a violation of any law, regulation, ordinance, order or decree whether by himself or his employees or sub-contractors.

## **BUSINESS REGISTRATION CERTIFICATE**

N.J.S.A. 52:32-44 requires that each applicant (contractor and subcontractor) provide proof of business registration in response to a request for responses at the time a Request for Qualifications is submitted. On June 29, 2004, Governor McGreevey signed P.L. 2004, c. 57, Business Registration of Contractors with Government Agencies, into law. Effective September 1, 2004, all business organizations that do business with a local contracting agency (i.e. Township of Lakewood) are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency before the contracting agency may enter into a contract with the business.

A “Business Organization” means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

The law provides that: A copy of the Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue, shall be provided at the time any submission is received; *failure to do so is a fatal defect that cannot be cured*. This law covers construction as well as non-construction submissions. Further information may be obtained by visiting the

following web site at the State of New Jersey: [www.nj.gov/treasury/revenue/busregcert.htm](http://www.nj.gov/treasury/revenue/busregcert.htm).

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

1. The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
2. Prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used;
3. During the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A.54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling (609) 292-9292.

#### **AFFIDAVIT OF NON-COLLUSION**

The Non-collusion Affidavit, which is part of these specifications, shall be properly executed and submitted intact with the response.

#### **NON-DISCRIMINATION**

There shall be no discrimination against any employee engaged in the work required to produce the commodities covered by any contract resulting from this response, or against any applicant to such employment because of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality. This provision shall include, but not be limited to the following: Employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this response.

## **REQUIRED AFFIRMATIVE ACTION EVIDENCE**

Each contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

## **STATEMENT OF OWNERSHIP**

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any county contract for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the response or accompanying the response of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock or any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement shall be completed and attached to the response.

**TOWNSHIP OF LAKEWOOD  
CHECKLIST OF REQUIRED DOCUMENTS**

Professional Service: \_\_\_\_\_

Submission Date: December 12, 2011, at 12:00 p.m.

The following items, as indicated by initialing, shall be provided with the receipt of sealed submissions:

1. Non-Collusion Affidavit.....\_\_\_\_\_
2. Disclosure of Ownership Form.....\_\_\_\_\_
3. Mandatory Equal Employment Opportunity Notice Acknowledgment  
(Contracts over \$17,500.00).....\_\_\_\_\_
4. Copy of Business Registration Certificate as issued by the State of New Jersey,  
Department of Treasury, Division of Revenue.....\_\_\_\_\_
5. Professional Service Entity Information Form.....\_\_\_\_\_
6. Qualifications Submission Form.....\_\_\_\_\_
7. Acknowledgment of Corrections, Additions or Deletions Form.....\_\_\_\_\_

EACH REQUIRED ITEM MUST BE INITIALED ON THIS FORM IN THE SPACE PROVIDED. THIS CHECKLIST MUST BE SIGNED AND SUBMITTED WITH THE QUALIFICATION RESPONSE PACKAGE.

\_\_\_\_\_  
COMPANY/APPLICANT NAME

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
NAME (PRINT)

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE



**TOWNSHIP OF LAKEWOOD  
DISCLOSURE OF OWNERSHIP FORM**

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership.”

- 1 If the professional service entity is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
- 2 If the professional service entity is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
- 3 If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
- 4 If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

**COMPLETE ONE OF THE FOLLOWING STATEMENTS:**

- I. Stockholders or Partners owning 10% or more of the company providing the submission:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- II. No Stockholder or Partner owns 10% or more of the company providing this submission:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- III. Submission is being provided by an individual who operates as a sole proprietorship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

\_\_\_\_\_ Limited Partnership \_\_\_\_\_ Limited Liability Corporation

\_\_\_\_\_ Limited Liability Partnership \_\_\_\_\_ Subchapter S Corporation

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWNSHIP OF LAKEWOOD**  
**Mandatory Equal Employment Opportunity Notice**  
**N.J.S.A. 10:5-31 et seq. and N.J.A.C 17:27 et seq.**  
**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

This form is a summary of the successful professional service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit to the Township of Lakewood, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (A) A photocopy of a valid letter that the vendor is operating under an existing federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
- (B) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.; or
- (C) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Township of Lakewood to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Township of Lakewood during normal business hours and distributed in accordance with the requirements on the Employee Information Report.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

Company: \_\_\_\_\_

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT A**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**Goods, Professional Services and General Service Contracts**  
**(Mandatory Affirmative Action Language)**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and the employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A.10:5-31 et. seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5-2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but no limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national ancestry,

marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading, and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

STATE OF \_\_\_\_\_ :  
 : SS  
COUNTY OF \_\_\_\_\_ :

resides at: \_\_\_\_\_ and that he/she is the

who signed the above Response or Bid, that during the course of this contract, he will agree to the Plan for Affirmative Action as outlined in the NOTICE TO BIDDERS, and more particularly detailed in the contract documents.

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010.

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**TOWNSHIP OF LAKEWOOD**  
**AMERICANS WITH DISABILITIES ACT, ENVIRONMENTAL COMPLIANCE**  
**AND CONFLICT OF INTEREST CERTIFICATION**

The Contractor and the Township of Lakewood do hereby agree that the provisions of Title 11 of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. § 12101 et seq.) which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Township of Lakewood pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the Township of Lakewood in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Township of Lakewood, its agents, servants and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith.

The Township of Lakewood shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Township of Lakewood or any of its agents, servants and employees, the Township of Lakewood shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Township of Lakewood or its representatives.

It is expressly agreed and understood that any approval by the Township of Lakewood of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the Act and to defend, indemnify, protect and save harmless the Township of Lakewood pursuant to this paragraph.

It is further agreed and understood that the Township of Lakewood assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provision of this indemnification clause shall in no way limit the Contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the Contractor from any liability, nor prelude the Township of Lakewood from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

The Township of Lakewood does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.

The Township of Lakewood shall allow access to any books, documents, papers and records of the contractor, which are directly pertinent to that specific contract.

Compliance is required with all applicable standards, orders, or requirements issued under 306 of the Clean Air Act, Section 508 of the Clean Water Act, Executive Order 11738 and Environmental Protection Agency Regulations (40 CRF, Part 15) which prohibits the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of violating facilities.

The Township of Lakewood considers it to be a substantial conflict of interest for any company desiring to do business with the Township of Lakewood to be owned, operated or managed by any Township of Lakewood employee, nor shall any Township of Lakewood personnel be employed by the vendor in conjunction with any work to be performed for or on behalf of the Township of Lakewood.

I hereby certify compliance with the foregoing.

Partnership  
Individual

The undersigned is a Corporation under the law of the State of \_\_\_\_\_, having principal offices at \_\_\_\_\_.

\_\_\_\_\_  
Name of Partnership, Corporation or Individual

Signed by: \_\_\_\_\_

\_\_\_\_\_  
Print Name and Official Title

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Federal ID. No.: \_\_\_\_\_

**TOWNSHIP OF LAKEWOOD**  
**Professional Service Entity Information Form**

If the Professional Service Entity is an **INDIVIDUAL**, sign name and give the following information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

If individual as a **TRADE NAME**, give such trade name:

Trading As: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
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If the Professional Service Entity is a **PARTNERSHIP**, give the following information:

Name of Partners: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Signature of authorized agent: \_\_\_\_\_  
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If the Professional Service Entity is **INCORPORATED**, give the following information:

State under whose laws incorporated \_\_\_\_\_

Location of principal office: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Name of agent in charge of said office upon whom notice may be legally served:  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Name of Corp.: \_\_\_\_\_

Signature: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Address: \_\_\_\_\_

**TOWNSHIP OF LAKEWOOD  
SUBMISSION FORM**

1. Names and roles of the individuals who will perform the services and description of their education and experience with projects similar to the services contained herein:

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2. Documented past performance of same or similar service:

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3. References and record of success of same or similar service:

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4. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff):

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5. Cost details, including the hourly rates of each of the individuals who will perform services, and all expenses:

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6. Description of technical process and equipment used in performing task(s):

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7. History of Vendor's background and history, including office location and the proximity to the Township of Lakewood, the number of years in business, the scope of services currently provided to municipal clients, and financial stability and strength.

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8. Knowledge of the Township of Lakewood and the subject matter to be addressed under the contract.

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Note: Attach additional sheets as necessary

Firm: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Representative (Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_



**TOWNSHIP OF LAKEWOOD**  
**Acknowledgment of Receipt of Changes**  
**to Qualification Proposal Documents Form**

Pursuant to N.J.S.A. 40A: 11-23.1a, the undersigned hereby acknowledges receipt of the following notices, revisions, or addenda to the qualification proposal advertisement, specifications or qualification documents. By indicating date of receipt, applicant acknowledges the submitted qualification proposal takes into account the provisions of the notice, revision or addendum. Note that the local unit's record of notice to applicants shall take precedence and that failure to include provisions of changes in a qualification proposal may be subject for rejection of the proposal.

<u>Addendum Number</u>	<u>How Received (mail, fax, pick-up, etc.)</u>	<u>Date Received</u>
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Company/Applicant: \_\_\_\_\_

By Authorized Representative: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_